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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,756	10/28/1999	TAKESHI ITO	SCEI16.549	5059

26304 7590 03/21/2005

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EXAMINER

DASTOURI, MEHRDAD

ART UNIT PAPER NUMBER

2623

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/428,756	ITO, TAKESHI	
	Examiner	Art Unit	
	Mehrdad Dastouri	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-12, 15-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-12, 15-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 13, 2004 has been entered.

Response to Amendment

2. Applicant's amendment filed April 12, 2004, has been entered and made of record.

Response to Arguments

3. Applicant's arguments have been fully considered but they are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baer (U.S. 3,993,861).

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Of these claims independent Claim 9 is the most detailed and will be addressed, independent Claims 5, 7, and 11 merely recite broader limitations of claim 9.

As per Claim 9, Baer teaches a data communication system that transmits a moving image from a data transmitter to a data receiver comprising:

Said data transmitter including:

a first source for supplying image data of a first moving image, and a second source for supplying digital data (Column 2, Lines 24-29; Column 2, Lines 58-60; Column 4, Lines 49-62. First moving image is the image of the object captured by TV Camera 14. Brightness component of the color image data is the digital data.)

an image data encoding means that encodes, each unit time, said digital data as the color part of said first moving image based on said digital data that is input to the said image data and generates second image data (Column 2, Lines 24-29 and 51-60; Column 4, Lines 57-62. Second image data is the binary-coded digital information comprising of the first moving image captured by video camera 14 and brightness data.); and

a transmission means that transmits said second image data (Figure 1, Transmitter 12) ;

and said data receiver including

a reception means that receives said second image data (Figure 1, Receiver 16),

a display means that displays a second moving image based on said second image data, said second moving image including said digital data being encoded as the color part of all of said first moving image (Figure 1, TV Camera 14, cameras have

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on-board view screens or viewfinders that provide the image to user and the motivation to have an on-board view screens or viewfinder would be to insure that the camera is properly aligned or located to so that brightness, color balance, alignment, etc. can measured correctly so that proper adjustment feedback can be provided to the projector/video. Alternatively, Screen 16a of receiver 16 displays the human body as the second moving image.);

a light sensing means that senses a part or all of said second moving image displayed on said display means, said light sensing means having a display assembled therein (Figure 2, Light sensor 22; Column 2, Lines 66-68, Column 3, Lines 1-6),

a digital data decoding means that detects the change each unit time in the color of part or all of said second moving image sensed by said light sensing means and decodes and generates said digital data (Figure 2, Decoder 60; Column 4, Lines 15-22),

means for displaying a third moving image on the display of said light sensing means (Figure 1, Screen 16a, Pressure points A₁ to A₄; Column 4, Lines 22-31),

wherein said third moving image displayed on said display of said light sensing means is generated based on said digital data that is decoded by said digital data decoding means (Figure 1, Screen 16a, Pressure points A₁ to A₄; Column 4, Lines 15-31).

It would have been obvious to one of ordinary skill in the art to use have on-board view screens or viewfinders in the system of Baer to insure that the camera is properly aligned or located to so that brightness, color balance, alignment, etc. can

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measured correctly so that proper adjustment feedback can be provided to the projector/video.

Claims 5, 7 and 11 merely recite broader limitations of Claim 9 above and analogous remarks apply.

As per Claims 6, 8, 10 and 12, Baer teaches:

wherein the color change at least on of the elements hue, brightness and chroma changes (Column 2, Lines 14-29).

As per Claim 16, Baer further teaches:

wherein said third moving image is displayed on said display of said light sensing means after said light sensing means senses a part or all of said second moving image displayed on said display means (Figure 1; Column 4, Lines 1-14).

6. Claims 15, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baer (U.S. 3,993,861) in view of Gibson (EP 0 596 823).

As per Claim 15, Baer does not explicitly disclose the step of removing said second moving image from said display means after displaying said third moving image on said display of said light sensing means.

Gibson further teaches:

the step of removing a moving image from a display means after displaying another moving image on said display means (Figures 3A-3C; Column 4, Lines 50-58, Column 5, Lines 1-51. Person 302 displayed in Figure 3B is removed in displayed images in Figure 3C.).

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It would have been obvious to one of ordinary skill in the art to modify Baer's invention according to the teachings of Gibson to remove the second moving image from the display means after displaying the third moving image on the display of the light sensing means to provide new "moving" images with further information to be decoded.

As per Claims 17 and 20, they recite substantially the same limitations as Claim 15 above and analogous remarks apply.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baer (U.S. 3,993,861) in view of Chaum (U.S. 5,959,717).

Regarding Claim 18, Baer does not explicitly disclose a data communication system in accordance with Claim 9, wherein the light sensing means is a portable communication terminal which includes storage means for storing one or more images displayed on said light sensing means display.

As per claim 18, Chaum teaches:

wherein light sensing means is a portable communication terminal (Figure 4, computer analysis system) including storage means for storing one or more images displayed on said light sensing means display.

It would have been obvious to one of ordinary skill in the art to modify Baer's invention by using the memory associated with the processor of Chaum as shown in Figure 4 to store images because it will provide capability of subsequent retrieval of desired images.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehrdad Dastouri whose telephone number is (703) 305-2438. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mehrdad Dastouri
Primary Examiner
Group Art Unit 2623
March 17, 2005

**MEHRDAD DASTOURI
PRIMARY EXAMINER**

Mehrdad Dastouri